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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,664	03/03/2000	Cameron Mashayekhi	112024-0054	6178

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EXAMINER

HENEGHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/518,664	MASHAYEKHI, CAMERON	
	Examiner	Art Unit	
	Matthew Heneghan	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the most recent office action, claims 1, 9, and 15 have been amended. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13, 15, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,401,206 to Khan et al. in view of U.S. Patent No. 5,818,936 to Mashayekhi further in view of Menezes, "Handbook of Applied Cryptography," 1997, pp. 494, 515, and 516.

Regarding claims 1, 3, 4, 7-11, 13, 15, 17, 18, and 20, the system disclosed by Khan, a local interface receives private user information and stored user secrets, which are used to generate authentication secrets (see column 6, lines 37-58). A session key is created (see column 7, lines 1-4). Khan employs prior art encryption procedures, including a symmetric key algorithm (column 5, lines 36-40), which generates the common key. The common key is then encrypted using a public key (the "session key",

which, being public, is inherently transmitted) for transmission (see column 5, lines 43-48). Employing this system, an authentication database takes the entered secrets and encrypts them using the common key (see column 8, lines 30-36). The encrypted secret, the encrypted common key, and the session key are therefore transmitted to the receiver. Since a symmetric key is used for the common key, it is a shared and same key for both ends of the transmission.

Khan further discloses that this technique can be used for any application where a user's identity needs to be verified, such as logging on to computers (see column 12, line 66 to column 13, line 50). Khan does not explicitly mention the accessing of network resources, however.

Mashayekhi discloses a system for accessing network resources, wherein a user at a local workstation is authenticated using a network database contain several program-specific user secrets, each having an identifier, a user-specific secret (see column 5, line 57 to column 6, line 30), and a network policy associated with the user in the form of an ACL (see column 6, lines 44-59). Mashayekhi further suggests that this strategy provides a means for easily and efficiently authenticating a user to various applications on a network (see column 3, lines 14-21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the method of Khan in a network resource accessing system, as disclosed by Mashayekhi, as this strategy provides a means for easily and efficiently authenticating a user to various applications on a network.

Khan also discloses the use of a public key method for key exchanging, but does not disclose that it is a session key.

Menezes discloses the Diffie-Hellman (a public key algorithm) key exchange algorithm for creating shared secrets (see Protocol 12.47) and further notes that such shared secrets constitute session keys (see p. 494, first 4 lines), and further notes that by the key may last the length of a single telecommunications session (i.e. established at logon, discarded at the end of the session). Menezes further suggests that such keys are used, for example, to limit exposure to key compromise (see Motivation for use of session keys, items 1-4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further implement the method of Khan and Mashyekhi by using the system in an using Diffie-Hellman derived keys as session keys, as disclosed by Menezes, to limit exposure to key compromise.

As per claims 2, 5, and 6, the algorithm is the symmetric key algorithm, and the key has been derived from secret, such as a PIN (see column 8, lines 30-36).

3. Claims 12, 14, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,401,206 to Khan et al. in view of U.S. Patent No. 5,818,936 to Mashayekhi further in view of Menezes, "Handbook of Applied Cryptography," 1997, pp. 494, 515, and 516 as applied to claims 9 and 15 above, and further in view of U.S. Patent 5,869,565 to Spies et al.

Khan, Mashayekhi, and Menezes do not disclose the negotiating of an encryption algorithm.

Spies discloses an algorithm selection algorithm wherein the client sends a certificate indicative of its supported algorithms (thus containing a list of at least one algorithm) which the server compares with its table of available algorithms, from which it chooses the strongest. Spies further states that this may be necessary for regulatory compliance (see column 15, lines 10-44).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Khan and Mashayekhi to include the algorithm negotiation disclosed by Spies, as this may be necessary for regulatory compliance.

Response to Arguments

4. Applicant's arguments filed 7 April 2006 have been fully considered but they are not persuasive.

Applicant argues that the public key algorithm of Khan is not a session key. Though there is a clear difference between public and session keys, the use of the Diffie-Hellman algorithm for Khan's public key, as per Menezes, involves the establishment of a separate session key as part of the public key algorithm. When viewed in combination with Menezes, therefore, Khan (as further modified by Mashayekhi) teaches to the claimed invention's common key.

Regarding the definition of a "session key," in the examination of a patent application, the meanings of claim terms are given their broadest reasonable interpretation in light of Applicant's specification. See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-17 (Fed. Cir. 2005) (en banc). The mapping of a public key to a session key in the discussion of Khan is made for the sake of clarity, as it shows why the Khan's invention, when modified by Menezes' teachings, teaches to the claimed invention. Menezes' disclosure describes a session key as lasting for the length of a session. Applicant's assertion that a session key is, by definition, "frequently changed" has no basis in the art; though session keys are certainly temporary, they are considered to last the entire length of a session, no matter how long the session lasts. Both session keys and public keys may be changed on a regular basis if it is so desired. It is noted that the hyperlink given by Applicant on the last line of the first page of Remarks links to a web site that, at this time, does not exist.

Regarding Applicant's arguments that Khan and Menezes are not combinable because Khan teaches away from modifying digital identities (Khan, column 8, lines 20-29), it is noted that Khan nonetheless provides for the editing of such data (see column 8, lines 37-46); moreover, the Diffie-Hellman protocol creates session keys from long-term public keys, and it is only those public keys that would need to be stored. The other portion of Khan cited by Applicant, column 11, line 65 to column 12, line 32, relates to digital signature generation. This functionality is not relevant to the invention claimed by Applicant and has not been cited in the grounds of rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH



May 18, 2006



JAMES H. LOEGER
PATENT EXAMINER